

1-1 By: Davis S.B. No. 555  
 1-2 (In the Senate - Filed February 13, 2013; February 20, 2013,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 March 20, 2013, reported favorably by the following vote:  
 1-5 Yeas 5, Nays 0; March 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to provisions in protective orders regarding pets and  
 1-18 other companion animals; providing a penalty.  
 1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-20 SECTION 1. Section 85.021, Family Code, is amended to read  
 1-21 as follows:  
 1-22 Sec. 85.021. REQUIREMENTS OF ORDER APPLYING TO ANY  
 1-23 PARTY. In a protective order, the court may:  
 1-24 (1) prohibit a party from:  
 1-25 (A) removing a child who is a member of the family  
 1-26 or household from:  
 1-27 (i) the possession of a person named in the  
 1-28 order; or  
 1-29 (ii) the jurisdiction of the court;  
 1-30 (B) transferring, encumbering, or otherwise  
 1-31 disposing of property, other than in the ordinary course of  
 1-32 business, that is mutually owned or leased by the parties; or  
 1-33 (C) removing a pet, companion animal, or  
 1-34 assistance animal, as defined by Section 121.002, Human Resources  
 1-35 Code, from the possession or actual or constructive care of a person  
 1-36 named in the order;  
 1-37 (2) grant exclusive possession of a residence to a  
 1-38 party and, if appropriate, direct one or more parties to vacate the  
 1-39 residence if the residence:  
 1-40 (A) is jointly owned or leased by the party  
 1-41 receiving exclusive possession and a party being denied possession;  
 1-42 (B) is owned or leased by the party retaining  
 1-43 possession; or  
 1-44 (C) is owned or leased by the party being denied  
 1-45 possession and that party has an obligation to support the party or  
 1-46 a child of the party granted possession of the residence;  
 1-47 (3) provide for the possession of and access to a child  
 1-48 of a party if the person receiving possession of or access to the  
 1-49 child is a parent of the child;  
 1-50 (4) require the payment of support for a party or for a  
 1-51 child of a party if the person required to make the payment has an  
 1-52 obligation to support the other party or the child; or  
 1-53 (5) award to a party the use and possession of  
 1-54 specified property that is community property or jointly owned or  
 1-55 leased property.  
 1-56 SECTION 2. Subsection (b), Section 85.022, Family Code, is  
 1-57 amended to read as follows:  
 1-58 (b) In a protective order, the court may prohibit the person  
 1-59 found to have committed family violence from:  
 1-60 (1) committing family violence;  
 1-61 (2) communicating;

2-1 (A) directly with a person protected by an order  
2-2 or a member of the family or household of a person protected by an  
2-3 order, in a threatening or harassing manner;

2-4 (B) a threat through any person to a person  
2-5 protected by an order or a member of the family or household of a  
2-6 person protected by an order; and

2-7 (C) if the court finds good cause, in any manner  
2-8 with a person protected by an order or a member of the family or  
2-9 household of a person protected by an order, except through the  
2-10 party's attorney or a person appointed by the court;

2-11 (3) going to or near the residence or place of  
2-12 employment or business of a person protected by an order or a member  
2-13 of the family or household of a person protected by an order;

2-14 (4) going to or near the residence, child-care  
2-15 facility, or school a child protected under the order normally  
2-16 attends or in which the child normally resides;

2-17 (5) engaging in conduct directed specifically toward a  
2-18 person who is a person protected by an order or a member of the  
2-19 family or household of a person protected by an order, including  
2-20 following the person, that is reasonably likely to harass, annoy,  
2-21 alarm, abuse, torment, or embarrass the person;

2-22 (6) possessing a firearm, unless the person is a peace  
2-23 officer, as defined by Section 1.07, Penal Code, actively engaged  
2-24 in employment as a sworn, full-time paid employee of a state agency  
2-25 or political subdivision; and

2-26 (7) harming, threatening, or interfering with the  
2-27 care, custody, or control of a pet, companion animal, or assistance  
2-28 animal, as defined by Section 121.002, Human Resources Code, that  
2-29 is possessed by or is in the actual or constructive care of a person  
2-30 protected by an order or by a member of the family or household of a  
2-31 person protected by an order.

2-32 SECTION 3. Section 25.07, Penal Code, is amended by adding  
2-33 Subsection (a-1) to read as follows:

2-34 (a-1) For purposes of Subsection (a)(5), possession of a  
2-35 pet, companion animal, or assistance animal by a person means:

2-36 (1) actual care, custody, control, or management of a  
2-37 pet, companion animal, or assistance animal by the person; or

2-38 (2) constructive possession of a pet, companion  
2-39 animal, or assistance animal owned by the person or for which the  
2-40 person has been the primary caregiver.

2-41 SECTION 4. The changes in law made by this Act to Sections  
2-42 85.021 and 85.022, Family Code, apply only to a protective order  
2-43 rendered on or after the effective date of this Act. A protective  
2-44 order rendered before the effective date of this Act is governed by  
2-45 the law in effect on the date the protective order was rendered, and  
2-46 the former law is continued in effect for that purpose.

2-47 SECTION 5. The change in law made by this Act to Section  
2-48 25.07, Penal Code, applies only to an offense committed on or after  
2-49 the effective date of this Act. An offense committed before the  
2-50 effective date of this Act is covered by the law in effect when the  
2-51 offense was committed, and the former law is continued in effect for  
2-52 that purpose. For purposes of this section, an offense was  
2-53 committed before the effective date of this Act if any element of  
2-54 the offense was committed before that date.

2-55 SECTION 6. This Act takes effect September 1, 2013.

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